

UNITED STATES GOVERNMENT
National Labor Relations Board



Memorandum

TO: The Board

DATE: October 18, 2012

FROM: Susan Leverone *SL*
Associate Solicitor

SUBJECT: Revised Tech 8(a)(5) Cases: FY 2012

Attached for your information is a chart showing the processing times for technical 8(a)(5) test-of-certification cases decided to date during FY 2012. The Board issued 12 such cases during the fiscal year.

The Agency has adopted a goal of **80 days** to process these cases from charge to decision. The following indicates the median time for FY 2012 for those cases where the Board issued a decision.

Charge to Motion:	32 days
Motion to Decision:	46 days ¹
Total Charge to Decision:	80 days²

S.L.

cc: Executive Secretary
Assoc. General Counsel, Div. of Operations Mgt.
Deputy Assoc. General Counsel, Appellate Court Branch

¹ The Board processing time for each case (motion to decision) is listed in the second column from the right. It includes the time it takes for the Office to issue a notice to show cause, the respondent to file a response to the notice to show cause (normally 14 days, unless an extension of time is granted), the Solicitor's Office to prepare a draft, the Board Members to review and approve the draft, and the Editorial Section to issue the decision.

² This number represents the total median number of days for FY 2012. It is not necessarily the sum of the numbers listed above it.

TECHNICAL 8(a)(5) SUMMARY JUDGMENT CASES

(F.Y. 2012 – Oct. 1 – Sept. 30)*

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Memorial Hospital, 4-CA-64455, 357/#119 T8/5 SJ GRPA 12/2/11 - MET	9/14/2011	9/19/2011	5	10/12/2011	23	11/29/2011	48	76
1621 Rte. 22, 22-CA-64426, 357/#153 T8/5 SJ GRPA 12/2/11-NOT MET	9/13/2011	10/18/2011	35	11/10/2011	23	12/30/2011	50	108
Specialty, 15-CA-68248, 357/#174 T8/5 SJ GRPA 1/23/12 - MET	11/4/2011	11/16/2011	12	12/7/2011	21	12/30/2011	23	56
Center for Social, 5-CA-72211, 358/#24 T8/5 SJ GRPA 3/29/12 - MET	1/9/2012	1/18/2012	9	2/3/2012	16	3/29/2012	55	80
DIRECTV, 21-CA-71591, 358/#33 T8/5 SJ GRPA 3/17/12 - NOT MET	12/28/2011	1/11/2012	14	1/26/2012	15	4/16/2012	81	110
Nestle-Dreyer's, 31-CA-74297, 358/#45 T8/5 SJ GRPA 4/29/12 NOT MET	2/9/2012	3/27/2012	47	4/17/2012	21	5/18/2012	31	99
Star West, 19-CA-75174, 358/#44 T8/5 SJ GRPA 5/13/12 NOT MET	2/23/2012	3/29/2012	35	4/13/2012	15	5/23/2012	40	90
Enterprise Leasing, 11-CA-73779, 358/#35 T8/5 SJ GRPA 4/23/12 MET	2/22/2012	2/27/2012	5	3/14/2012	16	4/18/2012	35	56

Chart includes all tech cases to date in which the Board's decision issued in FY 2011. (Chart does not include tech cases which also include other allegations (other than refusal to bargain and/or provide info) or those cases where the Board has reopened the R-case based on newly-discovered evidence or special circumstances.) Note that the dates listed in columns (1) and (2) are the dates the last charge or complaint issued, i.e., if an amended charge or complaint was filed or issued, the date of the amended charge or complaint is given rather than the date of the original charge or complaint.

TECHNICAL 8(a)(5) SUMMARY JUDGMENT CASES
(F.Y. 2012 - Oct. 1 - Sept. 30)

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Sands Casino Resort, 4-CA-76289, 358/#49 T8/5 SJ GRPA 5/28/12 NOT MET	3/9/2012	3/19/2012	10	4/5/2012	17	5/30/2012	55	82
Meredith Corp., 17-CA-77657 358/#57 T8/5 SJ GRPA 6/17/12 MET	3/29/2012	4/11/2012	13	5/2/2012	21	6/14/2012	43	77
Huntington Ingalls, 5-CA-81306 358/#100 T8/5 SJ GRPA 8/6/12 NOT MET	5/18/2012	5/31/2012	13	6/19/2012	19	8/14/2012	56	88
Proppant Specialists., 30-CA-82116 358/#103 T8/5 SJ GRPA 8/19/12 MET	5/31/2012	6/26/2012	26	7/12/2012	16	8/15/2012	34	76
Lancaster Symphony, 4-CA-82327 358/#104 T8/5 SJ GRPA 8/23/12 MET	6/4/2012	6/19/2012	15	7/6/2012	17	8/21/2012	46	78



UNITED STATES GOVERNMENT
National Labor Relations Board

Memorandum

TO: The Board

DATE: November 12, 2013

FROM: William B. Cowen *WBC*
Solicitor

SUBJECT: Tech 8(a)(5) Cases: FY 2013

Attached for your information is a chart showing the processing times for technical 8(a)(5) test-of-certification cases decided to date during FY 2013. The Board issued 15 such cases during the fiscal year.

The Agency has adopted a goal of **80 days** to process these cases from charge to decision. The following indicates the median time for FY 2013 for those cases where the Board issued a decision.

Charge to Motion:	21 days
Motion to Decision:	46 days ¹
Total Charge to Decision:	80 days²

W.B.C.

cc: Executive Secretary
Assoc. General Counsel, Div. of Operations Mgt.
Deputy Assoc. General Counsel, Appellate Court Branch

¹ The Board processing time for each case (motion to decision) is listed in the second column from the right. It includes the time it takes for the Office to issue a notice to show cause, the respondent to file a response to the notice to show cause (normally 14 days, unless an extension of time is granted), the Solicitor's Office to prepare a draft, the Board Members to review and approve the draft, and the Editorial Section to issue the decision.

² This number represents the total median number of days for FY 2013. It is not necessarily the sum of the numbers listed above it.

TECHNICAL 8(a)(5) SUMMARY JUDGMENT CASES
(F.Y. 2013 – Oct. 1, 2012 – Sept. 30, 2013)*

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Bread of Life, 7-CA-88519, 359/#24 t8/5 SJ GRPA 11/23/12 - MET	9/4/2012	10/2/2012	28	10/23/2012	21	11/21/2012	29	78
Lifesource, 13-CA-91617, 359/#45 t8/5 SJ GRPA 1/6/13 - MET	10/18/2012	11/1/2012	14	11/26/2012	25	12/21/2012	25	64
Champlin, 18-CA-93766, 359/#63 t8/5 SJ GRPA 2/15/13-MET	11/27/2012	12/6/2012	9	12/26/2012	20	2/14/2013	50	79
Sub-Acute, 22-CA-93626, 359/#77 t8/5 SJ GRPA 2/11/13-NO	11/23/2012	12/4/2012	11	12/21/2012	17	3/13/2013	82	110
Stamford, 34-CA-92068, 359/#75 t8/5 SJ GRPA 1/13/13 (N/A)	10/25/2012	12/5/2012	41	1/29/2013	55	3/13/2013	43	139
ORNI 8, ...d-PUNA, 20-CA-93035, 359/#87 t8/5 SJ GRPA 3/31/13 - MET	1/10/2013	1/17/2013	7	2/8/2013	22	3/26/2013	46	75
Fused Solutions, 3-CA-98461, 359/#118 t8/5 SJ GRPA 5/6/13 - MET	2/15/2013	2/22/2013	7	3/21/2013	27	5/6/2013	46	80
Stamford, 1-CA-98145, 359/#119 t8/5 SJ GRPA 5/3/13 - NOT MET	2/12/2013	3/6/2013	22	3/28/2013	22	5/9/2013	42	86

Chart includes all tech cases to date in which the Board's decision issued in FY 2013. (Chart does not include tech cases which also include other allegations (other than refusal to bargain and/or provide info) or those cases where the Board has reopened the R-case based on newly-discovered evidence or special circumstances.) Note that the dates listed in columns (1) and (2) are the dates the last charge or complaint issued, i.e., if an amended charge or complaint was filed or issued, the date of the amended charge or complaint is given rather than the date of the original charge or complaint.

TECHNICAL 8(a)(5) SUMMARY JUDGMENT CASES
(F.Y. 2013 – Oct. 1, 2012 – Sept. 30, 2013)

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Brusco Tug, 19-CA-96559 359/#122 t8/5 SJ GRPA 4/6/13- NOT MET	1/16/2013	1/30/2013	14	2/7/2013	8	5/20/2013	102	124
Newark, 22-CA-100534 359/#124 t8/5 SJ GRPA 6/3/13 - MET	3/19/2013	3/28/2013	9	4/17/2013	20	5/31/2013	44	73
Bluefield, 10-CA-93042 359/#137 t8/5 SJ GRPA 1/28/13-NOT MET	11/9/2012	11/29/2012	20	12/19/2012	20	6/20/2013	183	223
800 River, 22-CA-97938 t8/5 SJ GRPA 4/28/13 - NOT MET	2/7/2013	2/19/2013	12	3/12/2013	21	7/10/2013	120	153
Fused Solutions, 3-CA-98461, 359/#118 t8/5 SJ GRPA 5/6/13 - MET	2/15/2013	2/22/2013	7	3/21/2013	27	5/6/2013	46	80
Stamford, 1-CA-98145, 359/#119 t8/5 SJ GRPA 5/3/13 - NOT MET	2/12/2013	3/6/2013	22	3/28/2013	22	5/9/2013	42	86
Newark, 22-CA-100534 359/#124 t8/5 SJ GRPA 6/3/13 - MET	3/19/2013	3/28/2013	9	4/17/2013	20	5/31/2013	44	73



**UNITED STATES GOVERNMENT
National Labor Relations Board**

Memorandum

TO: The Board

DATE: October 15, 2014

FROM: William B. Cowen
Solicitor

WBC

SUBJECT: Tech 8(a)(5) Cases: FY 2014

Attached for your information is a chart showing the processing times for technical 8(a)(5) test-of-certification cases decided to date during FY 2014. The Board issued 11 such cases during the fiscal year.

The Agency has adopted a goal of **80 days** to process these cases from charge to decision. The following indicates the median time for FY 2014 for those cases where the Board issued a decision.

Charge to Motion:	28 days
Motion to Decision:	52 days ¹
Total Charge to Decision:	80 days²

W.B.C.

cc: Executive Secretary
Assoc. General Counsel, Div. of Operations Mgt.
Deputy Assoc. General Counsel, Appellate Court Branch

¹ The Board processing time for each case (motion to decision) is listed in the second column from the right. It includes the time it takes for the Office to issue a notice to show cause, the respondent to file a response to the notice to show cause (normally 14 days, unless an extension of time is granted), the Solicitor's Office to prepare a draft, the Board Members to review and approve the draft, and the Editorial Section to issue the decision.

² This number represents the total median number of days for FY 2014. It is not necessarily the sum of the numbers listed above it.

TECHNICAL 8(a)(5) SUMMARY JUDGMENT CASES
(F.Y. 2014 – Sept. 30, 2013 – Sept. 4, 2014)*

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
NY-FV, Inc., 29-CA-116941 360/#36 t8/5 SJ GRPA 1/6/13 - NOT MET	11/12/2013	12/10/2013	28	12/24/2013	14	1/31/2014	38	80
NBC Universal, 2-CA-115732 360/#69 t8/5 SJ GRPA 2/15/13-NOT MET	10/30/2013	12/4/2013	35	1/17/2014	44	4/7/2014	80	159
SSC Mystic, 1-CA-120161 , 360/#68 T8/5 SJ GRPA 3/27/14 - NOT MET	1/14/2014	1/17/2014	3	2/6/2014	20	3/31/2014	53	76
NStar Electric., 1-CA-122562, 360/#106 T8/5 SJ GRPA 5/4/14 MET	2/18/2014	2/21/2014	3	3/14/2014	21	5/2/2014	49	73
Le Fort, 1-CA-123707, 360/#119 T8/5 SJ GRPA 5/24/14 MET	3/5/2014	3/14/2014	9	4/1/2014	18	5/22/2014	51	78
Pallet Companies, 4-CA-128224, 361/#33 T8/5 SJ GRPA 7/25/14 -NOT MET	5/6/2014	5/14/2014	8	6/2/2014	19	8/27/2014	86	113
ManorCare, 4-CA-129388, 361/#17 T8/5 SJ GRPA 8/15/14 - MET	5/27/2014	6/3/2014	7	6/16/2014	13	8/11/2014	56	76
Onyx Mgmt., 29-CA-130471 , 361/#30 T8/5 SJ GRPA 8/28/14 - MET	6/9/2014	6/19/2014	10	7/7/2014	18	8/28/2014	52	80
Securitas Critical, 18-CA-130606 T8/5 SJ GRPA 8/31/14 - MET	6/12/2014	6/25/2014	13	7/11/2014	16	8/29/2014	49	78

* Chart includes all tech cases to date in which the Board's decision issued in FY 2014. (Chart does not include tech cases which also include other allegations (other than refusal to bargain and/or provide info) or those cases where the Board has reopened the R-case based on newly-discovered evidence or special circumstances.) Note that the dates listed in columns (1) and (2) are the dates the last charge or complaint issued, i.e., if an amended charge or complaint was filed or issued, the date of the amended charge or complaint is given rather than the date of the original charge or complaint.

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Matson Terminals, 20-CA-132200, 361/#50 T8/5 SJ GRPA 9/21/14 - NOT MET	7/3/2014	7/16/2014	13	8/1/2014	16	9/26/2014	56	85
Klochko Equipment, 7-CA-131088 , 361/#49 T8/5 SJ GRPA 9/6/14 - NOT MET	6/18/2014	7/17/2014	29	8/6/2014	20	9/26/2014	51	100
Manor at St. Luke., 4-CA-114317 T8/5 SJ GRPA 12/16/13 (NOT MET) (Noel Canning case)	9/27/2013	10/28/2013	31	11/21/2013	24			
Allied Aviation, 22-CA-127150 T8/5 SJ GRPA 7/11/14 -NOT MET	4/22/2014	5/6/2014	14	5/27/2014	21			
Durham School, 15-CA-129463 T8/5 SJ GRPA 8/16/14 - NOT MET	7/22/2014	7/23/2014	1	8/7/2014	15			
NBC Universal, 2-CA-39372 T8/5 SJ NO GPRA	8/12/2009	6/12/2014	1765	8/20/2014	69			

UNITED STATES GOVERNMENT
National Labor Relations Board



Memorandum

TO: The Board

DATE: October 6, 2015

FROM: Susan Leverone 
Associate Solicitor

SUBJECT: Tech 8(a)(5) Cases: FY 2015

Attached for your information is a chart showing the processing times for technical 8(a)(5) test-of-certification cases decided to date during FY 2015. The Board issued 27 such cases during the fiscal year.

The Agency has adopted a goal of **80 days** to process these cases from charge to decision. The following indicates the median time for FY 2015 for those cases where the Board issued a decision.

Charge to Motion:	35 days
Motion to Decision:	63 days ¹
Total Charge to Decision:	119 days²

S.L.

cc: Executive Secretary
Assoc. General Counsel, Div. of Operations Mgt.
Deputy Assoc. General Counsel, Appellate Court Branch

¹ The Board processing time for each case (motion to decision) is listed in the second column from the right. It includes the time it takes for the Office to issue a notice to show cause, the respondent to file a response to the notice to show cause (normally 14 days, unless an extension of time is granted), the Solicitor's Office to prepare a draft, the Board Members to review and approve the draft, and the Editorial Section to issue the decision.

² This number represents the total median number of days for FY 2015. It is not necessarily the sum of the numbers listed above it. In addition, please note that 9 of the 27 cases issued during FY 2015 were held for *Noel Canning*, and had unusually long processing times.

TECHNICAL 8(a)(5) SUMMARY JUDGMENT CASES
(F.Y. 2015 - October 1, 2014 - September 30, 2015)*

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Benjamin H. Realty, 9-CA-110689, 361/#103 t8/5 SJ GRPA 10/25/13 (Noel Canning)	8/6/2013	8/19/2013	13	9/10/2013	22	11/13/2014	429	464
Durham School, 15-CA-129463, 361/#121 T8/5 SJ GRPA 8/16/14 (Noel Canning)	7/22/2014	7/23/2014	1	8/7/2014	15	12/4/2014	119	135
The Avenue Care, 8-CA-105234, 361/#151 t8/5 SJ GRPA 8/4/13 (Noel Canning)	6/5/2013	6/7/2013	2	7/3/2013	26	12/16/2014	531	559
Bluefield, 10-CA-93042, 361/#154 Renewed t8/5 SJ (359/#137) (Noel Canning)	11/9/2012	11/29/2012	20	12/19/2012	20	12/16/2014	727	767
Manor at St. Luke., 4-CA-114317, 361/#99 T8/5 SJ GRPA 12/16/13 (Noel Canning)	9/27/2013	10/28/2013	31	11/19/2013	22	12/16/2014	392	445
Macy's, Inc., 1-CA-137863, 361/#163 T8/5 SJ GPRA 12/21/14	10/1/2014	10/14/2014	13	10/30/2014	16	1/7/2015	69	98
Crew One, 10-CA-138169, 362/#8 T8/5 SJ GPRA 12/23/14	10/3/2014	10/23/2014	20	11/7/2014	15	1/30/2015	84	119
Tekweld Solutions, 29-CA-138172, 361/#164 T8/5 SJ GPRA 12/25/14	10/6/2014	11/10/2014	35	11/20/2014	10	1/22/2015	63	108

* Chart includes all tech cases to date in which the Board's decision issued in FY 2015 (Chart does not include tech cases which also include other allegations (other than refusal to bargain and/or provide info) or those cases where the Board has reopened the R-case based on newly-discovered evidence or special circumstances.) Note that the dates listed in columns (1) and (2) are the dates the last charge or complaint issued, i.e., if an amended charge or complaint was filed or issued, the date of the amended charge or complaint is given rather than the date of the original charge or complaint.

Pac Tell, 10-CA-139779 T8/5 SJ GPRA 1/17/15	10/29/2014	11/12/2014	14	12/3/2014	21	1/29/2015	57	92
Mission Produce, 10-CA-106374, 362/#15 t8/5 SJ GRPA 8/22/13 (Noel Canning)	6/3/2013	6/14/2013	11	7/3/2013	19	2/5/2015	582	612
Rush University, 13-CA-139088, 362/#23 T8/5 SJ GPRA 1/5/15	10/17/2014	10/29/2014	12	11/25/2014	27	2/27/2015	94	133
Fedex Freight, 10-CA-145378, 362/#74 T8/5 SJ GPRA 4/20/15	2/11/2015	2/13/2015	2	3/6/2015	21	4/20/2015	45	68
Advanced Disposal, 04-CA-145936, 362/#89 T8/5 SJ GPRA 4/27/15	2/6/2015	2/19/2015	13	3/13/2015	22	5/8/2015	56	91
Fedex Freight, 22-CA-146653, 362/#91 T8/5 SJ GPRA 5/10/15	2/19/2015	3/4/2015	13	3/25/2015	21	5/19/2015	55	89
Parkview Community, 21-CA-147256, 362/#97 T8/5 SJ GPRA 5/17/15	2/26/2015	3/20/2015	22	4/7/2015	18	5/27/2015	50	90
UNF West, 20-CA-144972, 362/#117 T8/5 SJ GPRA 4/12/15	1/22/2015	2/10/2015	19	2/25/2015	15	6/15/2015	110	144
Ozburn-Hessey, 15-CA-109236, 362/#118 t8/5 SJ GRPA 10/4/13 (Noel Canning)	7/16/2013	7/30/2013	14	8/22/2013	23	6/15/2015	662	699
Tito Contractors, 05-CA-149046, 362/#119 T8/5 SJ GPRA 6/14/15	3/26/2015	4/9/2015	14	4/24/2015	15	6/18/2015	55	84

Schwarz Partners, 12-CA-109207, 362/#138 T8/5 SJ GRPA 10/4/13 (Noel Canning)	6/16/2013	8/1/2013	46	8/22/2013	21	6/26/2015	673	740
Fedex Freight, 04-CA-150263, 362/#140 T8/5 SJ GPRA 7/5/15	4/16/2015	4/29/2015	13	5/13/2015	14	6/30/2015	48	75
NCR Corp., 01-CA-150154, 362/#146 T8/5 SJ GPRA 7/4/15	4/15/2015	4/24/2015	9	5/14/2015	20	7/13/2015	60	89
VCNCL, LLC, 15-CA-144945, 362/#147 T8/5 SJ GPRA 5/17/15	2/4/2015	2/6/2015	2	5/19/2015	102	7/14/2015	56	160
Constellation Brands, 32-CA-148431, 362/#151 T8/5 SJ GPRA 6/6/15	3/18/2015	5/13/2015	56	6/4/2015	22	7/29/2015	55	133
Rush University, 13-CA-152806, 362/#163 T8/5 SJ GPRA 8/10/15	5/22/2015	6/4/2015	13	6/18/2015	14	8/7/2015	50	77
Allied Aviation, 22-CA-127150, 362/#173 T8/5 SJ GRPA 7/11/14 (Noel Canning)	4/22/2014	5/6/2014	14	5/27/2014	21	8/19/2015	449	484
ABM Onsite, 19-CA-153164, 362/#179 T8/5 SJ GPRA 8/16/15	5/28/2015	6/10/2015	13	7/1/2015	21	8/26/2015	56	90
Palmetto Prince, 10-CA-154373, 363/#5 T8/5 SJ GPRA 9/5/15	6/17/2015	7/1/2015	14	7/22/2015	21	9/8/2015	48	83



**UNITED STATES GOVERNMENT
National Labor Relations Board**

Memorandum

TO: The Board

DATE: January 12, 2017

FROM: Susan Leverone 
Associate Solicitor

SUBJECT: Tech 8(a)(5) Cases: FY 2016

Attached for your information is a chart showing the processing times for technical 8(a)(5) test-of-certification cases decided to date during FY 2016. The Board issued 21 such cases during the fiscal year.

The Agency has adopted a goal of **80 days** to process these cases from charge to decision. The following indicates the median time for FY 2016 for those cases where the Board issued a decision.

Charge to Motion:	35 days
Motion to Decision:	57 days ¹
Total Charge to Decision:	85 days²

S.L.

cc: Executive Secretary
Assoc. General Counsel, Div. of Operations Mgt.
Deputy Assoc. General Counsel, Appellate Court Branch

¹ The Board processing time for each case (motion to decision) is listed in the second column from the right. It includes the time it takes for the Office to issue a notice to show cause, the respondent to file a response to the notice to show cause (normally 14 days, unless an extension of time is granted), the Solicitor's Office to prepare a draft, the Board Members to review and approve the draft, and the Editorial Section to issue the decision.

² This number represents the total median number of days for FY 2016. It is not necessarily the sum of the numbers listed above it.

TECHNICAL 8(a)(5) SUMMARY JUDGMENT CASES
(F.Y. 2016 – October 1, 2015 – September 30, 2016)*

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Community Support, 20-CA-143287, 363/#78 GPRA 3/6/15	12/16/2014	12/30/2014	14	2/6/2015	38	1/5/2016	333	385
Delek Refing, 16-CA-158842, 363/#41 GPRA 11/15/15	8/27/2015	8/31/2015	4	9/15/2015	15	11/13/2015	59	78
Con-Way Freight, 16-CA-159605, 363/#53 GPRA 11/28/15	9/9/2015	9/10/2015	1	9/25/2015	15	11/27/2015	63	79
Rhino Northwest, 19-CA-160205, 363/#72 GPRA 12/6/15	9/17/2015	10/1/2015	14	10/21/2015	20	12/17/2015	57	91
Oberthur Technologies, 04-CA-160992, 364/#59 GPRA 12/18/15	9/29/2015	10/9/2015	10	10/29/2015	20	7/27/2016	272	302
Browning-Ferris, 32-CA-160759, 363/#95 GPRA 12/14/15	9/25/2015	10/23/2015	28	11/13/2015	21	1/12/2016	60	109
Lifeway Foods, 13-CA-156570, 364/#10 T8/5 SJ GPRA 10/11/15	7/23/2015	7/30/2015	7	11/20/2015	113	5/24/2016	186	306
Lakepointe Senior, 07-CA-162939, 363/#114 T8/5 SJ GPRA 1/17/16	10/28/2015	11/1/2015	4	11/24/2015	23	2/11/2016	79	106

* Chart includes all tech cases to date in which the Board's decision issued in FY 2016 (Chart does not include tech cases which also include other allegations (other than refusal to bargain and/or provide info) or those cases where the Board has reopened the R-case based on newly-discovered evidence or special circumstances.) Note that the dates listed in columns (1) and (2) are the dates the last charge or complaint issued, i.e., if an amended charge or complaint was filed or issued, the date of the amended charge or complaint is given rather than the date of the original charge or complaint.

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
VHS of Michigan, 07-CA-162818, 363/#155 T8/5 SJ GPRA 1/14/16	10/26/2015	11/9/2015	14	11/27/2015	18	3/29/2016	123	155
Cargill, Inc., 21-CA-164025, 363/#110 T8/5 SJ GPRA 1/31/16	11/12/2015	11/19/2015	7	12/17/2015	28	2/4/2016	49	84
Missouri Red, 14-CA-165057, 363/#102 T8/5 SJ GPRA 2/18/16	11/30/2015	12/7/2015	7	12/21/2015	14	2/1/2016	42	63
Fedex Freight., 32-CA-164936, 363/#126 T8/5 SJ GPRA 2/12/16	11/24/2015	12/16/2015	22	1/7/2016	22	2/18/2016	42	86
Four Seasons, 10-CA-164737, 363/#115 T8/5 SJ GPRA 2/11/16	11/23/2015	12/8/2015	15	1/5/2016	28	2/12/2016	38	81
Durham School, 32-CA-165556, 363/#129 T8/5 SJ GPRA 2/22/16	12/4/2015	12/21/2015	17	1/11/2016	21	2/19/2016	39	77
Capay, Inc., 20-CA-166233, 363/#142 T8/5 SJ GPRA 3/5/16	12/16/2015	12/22/2015	6	1/11/2016	20	3/4/2016	53	79
Bellagio, LLC, 28-CA-170899, 364/#2 T8/5 SJ GPRA 5/20/16	3/1/2016	3/21/2016	20	4/5/2016	15	5/23/2016	48	83
Mirage Resorts, 28-CA-170874, 364/#1 T8/5 SJ GPRA 5/20/16	3/1/2016	3/21/2016	20	4/5/2016	15	5/23/2016	48	83

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Volkswagen Group, 10-CA-166500 , 364/#110 T8/5 SJ GPRA 3/10/16	12/21/2015	4/26/2016	127	5/13/2016	17	8/26/2016	105	249
Thesis Painting, 05-CA-172905, 364/#53 T8/5 SJ GPRA 6/18/16	3/30/2016	4/28/2016	29	5/24/2016	26	7/20/2016	57	112
Hanson Cold, 13-CA-178619 , 364/#121 T8/5 SJ GPRA 9/8/16	6/20/2016	7/12/2016	22	7/26/2016	14	9/13/2016	49	85
CVS Albany, 29-CA-179095 , 364/#122 T8/5 SJ GPRA 9/15/16	6/27/2016	7/8/2016	11	7/28/2016	20	9/15/2016	49	80

TECHNICAL 8(a)(5) SUMMARY JUDGMENT CASES
(F.Y. 2017 – October 1, 2016 – September 30, 2017)

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Trump Ruffin, 28-CA-181475 364/#143 GPRA 10/23/16	8/4/2016	8/17/2016	13	9/1/2016	15	11/3/2016	63	91
Spectrum Juvenile, 07-CA-180451 364/#149 GPRA 10/8/16	8/16/2016	9/8/2016	23	10/4/2016	26	11/22/2016	49	98
Transit Connection, 01-CA-183197 365/#9 GPRA 11/18/16	8/30/2016	9/14/2016	15	10/7/2016	23	12/28/2016	82	120
St. John, 07-CA-18332 365/#12 GPRA 11/18/16	8/30/2016	9/23/2016	24	10/13/2016	20	12/29/2016	77	121
Equinox Holdings, 20-CA-167342 365/#3 NO GPRA	1/6/2016	9/16/2016	254	10/18/2016	32	12/16/2016	59	345
XPO Logistics, 13-CA-189647 365/#42 GPRA 2/27/17	12/9/2016	12/16/2016	7	12/30/2016	14	3/10/2017	70	91
Matson Terminal, 20-CA-187970 365/#56 GPRA 1/28/17	12/16/2016	12/29/2016	13	2/1/2017	34	4/7/2017	65	112
Jam Productions, 13-CA-186575 365/#75 GPRA 1/8/17	10/20/2016	1/19/2017	91	2/3/2017	15	5/16/2017	102	208

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Voices for In'tl. 15-CA-182627 365/#66 NO GPRA	8/23/2016	9/2/2016	10	2/14/2017	165	5/5/2017	80	255
Univ. of Southern Calif., 31-CA-178831 365/#89 NO GPRA	8/4/2016	2/9/2017	189	3/17/2017	36	6/7/2017	82	307
Jacmar Food, 21-CA-193952 365/#91 GPRA 5/19/17	2/28/2017	3/13/2017	13	4/5/2017	23	6/6/2017	62	98
XPO Logistics, 13-CA-196637 365/#105 GPRA 6/30/17	4/11/2017	4/13/2017	2	4/27/2017	14	7/6/2017	70	86
2850 Grand Island, 03-CA-193859, 365/#110 NO GPRA (5/19 /17)	2/28/2017	5/1/2017	62	5/18/2017	17	7/21/2017	64	143
Garda CL, 22-CA-196340 365/#108 GPRA (6/23/17)	4/4/2017	4/17/2017	13	5/17/2017	30	7/24/2017	68	111
Thyme Holdings, 32-CA-190480, 365/#118 NO GPRA (3/17 /17)	4/20/2017	5/4/2017	14	5/31/2017	27	8/16/2017	77	118
Anheuser-Busch. 03-CA-196263, 365/#123 GPRA 6/24/17	5/16/2017	5/16/2017	0	6/2/2017	17	8/16/2017	75	92
Retro Environ. 05-CA-195809 365/#133 NO GPRA (6/15 /17)	3/27/2017	5/24/2017	58	6/12/2017	19	9/21/2017	101	178

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Seattle University, 19-CA-185605 Mooted Out GPRA 12/23/16	10/4/2016	10/18/2016	14	11/8/2016	21	10/20/2017	346	381
Pottstown Memorial, 04-CA-187213 W/drawn GPRA 1/16/17	11/3/2016	11/9/2016	6	11/30/2016	21	2/3/2017	65	92
DTG Operations, 31-CA-181641 REMANDED TO REGION GPRA 10/23/16	10/31/2016	10/31/2016	0	1/10/2017	71	2/13/2017	34	105
Advantage Veterans, 10-CA-187580 MOOTED OUT GPRA 1/21/17	11/16/2016	1/12/2017	57	1/26/2017	14	3/8/2017	41	112
General Grocery, 22-CA-195185 MOOTED OUT GPRA 6/8/17	3/20/2017	3/30/2017	10	4/19/2017	20	9/18/2017	152	182
Saint Xavier, 13-CA-203379 MOOTED OUT GPRA 10/19/17	7/31/2017	8/10/2017	10	8/25/2017	15	11/29/2017	96	121
Duquesne Univ., 06-CA-197492 PENDING GPRA 7/13 /17	4/24/2017	5/8/2017	14	5/26/2017	18		0	0
Transdev Svcs, 05-CA-195364 PENDING NO GPRA (6/9/17)	3/21/2017	6/23/2017	94	7/10/2017	17		0	0



**UNITED STATES GOVERNMENT
National Labor Relations Board**

Memorandum

TO: The Board (RPMcKE)

DATE: June 5, 2018

FROM: Susan Leverone *SL*
Associate Solicitor

SUBJECT: Tech 8(a)(5) Cases: FY 2017

Attached for your information is a chart showing the processing times for technical 8(a)(5) test-of-certification cases decided to date during FY 2017. The Board issued 17 such cases during the fiscal year.

The Agency has adopted a goal of **80 days** to process these cases from charge to decision. The following indicates the median time for FY 2017 for those cases where the Board issued a decision.

Charge to Motion:	44 days
Motion to Decision:	97 days ¹
Total Charge to Decision:	132 days²

S.L.

cc: Executive Secretary
Assoc. General Counsel, Div. of Operations Mgt.
Deputy Assoc. General Counsel, Appellate Court Branch

¹ The Board processing time for each case (motion to decision) is listed in the second column from the right. It includes the time it takes for the Office to issue a notice to show cause, the respondent to file a response to the notice to show cause (normally 14 days, unless an extension of time is granted), the Solicitor's Office to prepare a draft, the Board Members to review and approve the draft, and the Editorial Section to issue the decision.

² This number represents the total median number of days for FY 2017. It is not necessarily the sum of the numbers listed above it.

TECHNICAL 8(a)(5) SUMMARY JUDGMENT CASES
(F.Y. 2017 – October 1, 2016 – September 30, 2017)*

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Trump Ruffin, 28-CA-181475 364/#143 GPRA 10/23/16	8/4/2016	8/17/2016	13	9/1/2016	15	11/3/2016	63	91
Spectrum Juvenile, 07-CA-180451 364/#149 GPRA 10/8/16	8/16/2016	9/8/2016	23	10/4/2016	26	11/22/2016	49	98
Transit Connection, 01-CA-183197 365/#9 GPRA 11/18/16	8/30/2016	9/14/2016	15	10/7/2016	23	12/28/2016	82	120
St. John, 07-CA-18332 365/#12 GPRA 11/18/16	8/30/2016	9/23/2016	24	10/13/2016	20	12/29/2016	77	121
Equinox Holdings, 20-CA-167342 365/#3 NO GPRA	1/6/2016	9/16/2016	254	10/18/2016	32	12/16/2016	59	345
XPO Logistics, 13-CA-189647 365/#42 GPRA 2/27/17	12/9/2016	12/16/2016	7	12/30/2016	14	3/10/2017	70	91
Matson Terminal, 20-CA-187970 365/#56 GPRA 1/28/17	12/16/2016	12/29/2016	13	2/1/2017	34	4/7/2017	65	112

* Chart includes all tech cases to date in which the Board's decision issued in FY 2017 (Chart does not include tech cases which also include other allegations (other than refusal to bargain and/or provide info) or those cases where the Board has reopened the R-case based on newly-discovered evidence or special circumstances.) Note that the dates listed in columns (1) and (2) are the dates the last charge or complaint issued, i.e., if an amended charge or complaint was filed or issued, the date of the amended charge or complaint is given rather than the date of the original charge or complaint.

1 Original charge filed in Spectrum, 07-CA-180451 on 7/19/16 and the amended complaint was filed on 9/8/16.

2 Original charge filed in Matson Terminal, 20-CA-187970 on 11/9/16.

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Jam Productions, 13-CA-186575 365/#75 GPRA 1/8/17	10/20/2016	1/19/2017	91	2/3/2017	15	5/16/2017	102	208
Voices for In'tl. 15-CA-182627 365/#66 NO GPRA	8/23/2016	9/2/2016	10	2/14/2017	165	5/5/2017	80	255
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XPO Logistics, 13-CA-196637 365/#105 GPRA 6/30/17	4/11/2017	4/13/2017	2	4/27/2017	14	7/6/2017	70	86
2850 Grand Island, 03-CA-193859, 365/#110 NO GPRA (5/19 /17)	2/28/2017	5/1/2017	62	5/18/2017	17	7/21/2017	64	143
Garda CL, 22-CA-196340 365/#108 GPRA (6/23/17)	4/4/2017	4/17/2017	13	5/17/2017	30	7/24/2017	68	111
Thyme Holdings, 32-CA-190480, 365/#118 NO GPRA (3/17 /17)	4/20/2017	5/4/2017	14	5/31/2017	27	8/16/2017	77	118
Anheuser-Busch. 03-CA-196263, 365/#123 GPRA 6/24/17	5/16/2017	5/16/2017	0	6/2/2017	17	8/16/2017	75	92

3 Original charge filed in Univ. of Southern Calif., 31-CA-178831 on 6/20/17.

4 Original charge filed in Thyme Holdings, 03-CA-190480 on 12/27/16.

5 Original charge filed in Anheuser-Busch, 03-CA-196263 on 4/5/17.

Case Name and Number	(1) Charge	(2) Complaint	(DAYS) (1) - (2)	(3) Motion	(DAYS) (2) - (3)	(4) Decision	(DAYS) (3) - (4)	(5) TOTAL (1) - (4)
Retro Environ. 05-CA-195809 365/#133 NO GPRA (6/15 /17)	3/27/2017	5/24/2017	58	6/12/2017	19	9/21/2017	101	178